

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)	
)	
v.)	I.D. No.: 0808010637A
)	
DERRIS S. LLOYD,)	
)	
Defendant.)	

ORDER

This 14th day of April, 2023, upon consideration of Defendant, Derris Lloyd’s (“Defendant”), Motion for Sentence Modification (the “Motion”),¹ the sentence imposed upon Defendant, and the record in this case, it appears to the Court that:

1. On October 6, 2022, Defendant was sentenced for violating the terms of his probation, through his commission of Robbery, Conspiracy, and Car Jacking, to three years at Level V, followed by six months at Level IV Department of Correction discretion, followed by two years at Level III GPS monitoring.²

2. On January 11, 2023, Defendant filed the instant Motion pursuant to Delaware Superior Court Criminal Rule 35(b) (“Rule 35(b)”)³ Defendant requests modification of the above sentence so that it runs concurrently with a federal prison sentence that Defendant allegedly received for the same criminal acts.⁴

¹ D.I. 56.

² D.I. 55.

³ D.I. 56.

⁴ *Id.*

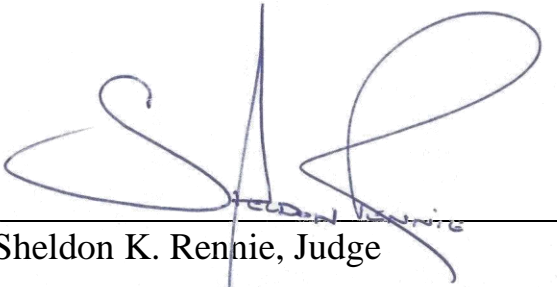
3. When considering motions for sentence reduction or modification, this Court addresses any applicable procedural bars before turning to the merits.⁵ Pursuant to Rule 35(b), a motion for sentence modification must be filed within 90 days of sentencing, absent a showing of extraordinary circumstances.⁶

4. Defendant filed this Motion more than 90 days after the imposition of his sentence. Moreover, the Defendant made no attempt to set forth any “extraordinary circumstances”. Hence, this Motion is time-barred under Rule 35(b).

5. In addition, Defendant’s sentence is appropriate for all of the reasons stated at the time of sentencing. No additional information has been provided to the Court that would warrant a reduction or modification of this sentence.

For the foregoing reasons, Defendant’s Motion for Modification of Sentence is hereby **SUMMARILY DISMISSED**.

IT IS SO ORDERED.



Sheldon K. Rennie, Judge

Original to Prothonotary

cc: Derris Lloyd (SBI# 00292256)
Department of Justice, Wilmington, DE

⁵ *State v. Redden*, 111 A.3d 602, 606 (Del. Super. Feb 16, 2015).

⁶ *Croll v. State*, 2020 WL 1909193, at *1 (Del. Super. Apr. 17, 2020).